

ORDINANCE NO. 25-2009

**AN ORDINANCE AMENDING SECTIONS 27-481 THROUGH 27-494
AND SECTION 17-19 OF THE CODE OF ORDINANCES FOR THE CITY OF
MONTGOMERY DEALING WITH PARKING METER FINES AND PAYMENT**

BE IT HEREBY ORDAINED by the City Council of the City of Montgomery that Sections 27-481 through 27-494, and section 17-19 of the Municipal Code for the City of Montgomery be and hereby are amended to read in their entirety as follows:

Sec. 27-481. Parking meter zones.

There is hereby established as parking meter zones the territory within the district or upon any of the streets specified in schedule IV, section 27-564. All frontages on those squares, streets and avenues defining such zones as specified in schedule IV, 27-564, are to be extended and included therein. Such zones may be diminished and/or other parking meter zones may be created.
(Ord. No. 54-72, § 19-1; Code 1980, § 25-183)

Sec. 27-482. Installation of parking meters.

In such parking meter zones hereby created or hereafter created by ordinance, parking meters shall be installed within or near the curb line facing alongside of such spaces as may be designated by the city traffic engineer, and which spaces he deems advisable or necessary for the proper regulation of parking of vehicles, such installation to be placed not more than two feet from the curb of the parking space as indicated and which spaces shall be marked out as individual parking meter spaces. Each of such meters shall be arranged so as to show or display a signal which shall clearly indicate whether the time limit during which parking in that space is permitted has expired.
(Ord. No. 54-72, § 19-2; Ord. No. 89-73, § 1; Code 1980, § 25-184; Ord. No. 27-2000, § 1, 7-5-2000)

Sec. 27-483. Operation of parking meters.

Except in a period of emergency determined by an officer of a fire company or of the police department or except in compliance with the directions of a police officer or traffic control signal when any vehicle shall be parked in a space regulated by a parking meter during the hours designated by an ordinance or the traffic regulations of the city, the owner, operator, or driver of such vehicle, shall, upon entering such parking space, immediately deposit proper payment in the parking meter regulating such space and placed in front or alongside thereof. Such spaces are regulated by:

- (1) Short-time, 15- to 30-minute meters with tops painted red;
 - (2) Regular-time, 60- to 120-minute meters, painted black or gray; or
 - (3) Long-time, eight-hour meters, with tops painted yellow.
- (Ord. No. 54-72, § 19-3; Ord. No. 89-73, § 2; Code 1980, § 25-185; Ord. No. 27-2000, § II, 7-5-2000)

Sec. 27-483.01. On-street meter rates and payment options.

- (a) Parking meter rates at designated meter space parking facilities shall be established by the Montgomery City Counsel up to a maximum rate of \$0.50 per hour.
- (b) Payment options at designated meter shall be by, but not limited to, cash, coin, credit card, debit card, or City of Montgomery Parking Card. However, payment options will be limited to those payment options supported and/or facilitated by said parking meter.

Sec. 27-484. Parking time limits.

Any vehicle parking or standing in any designated parking space in a parking meter zone shall be parked within the lines marked on the street or the curb and, upon deposit of the proper payment may occupy such space continuously during the parking limit provided by the ordinances and traffic regulations of the city for the part of the street in which such parking space is located. Upon expiration of the parking time limit provided by the ordinances and traffic regulations of the city for the part of such street in which such parking spaces are located, it shall be the duty of the owner or driver of the vehicle forthwith to remove the vehicle from the parking space. It shall be unlawful for any person to cause, allow, permit or suffer any such vehicle registered in his name or in his control or possession to be parked or standing overtime, or remain therein beyond the parking time limit prescribed for such space. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or in his control or possession to be parked in any parking space for a longer period than the maximum shown on the parking meter, set for the space in which the vehicle is parked. Every person convicted of violation of this section shall be punished by a fine of not less than \$10.00.

(Ord. No. 54-72, § 19-4; Code 1980, § 25-186; Ord. No. 9-80, § 1)

Sec. 27-485. Presumption of unlawful parking.

The fact that the timing device on any parking meter is not in operation shall be presumptive evidence as to a parked vehicle then found in the parking space regulated by such parking meter that the owner or driver failed to deposit or cause to be deposited the required payment in such meter and the mechanical indication by such meter of a "violation" shall be presumptive evidence of unlawful parking.

(Ord. No. 54-72, § 19-5; Code 1980, § 25-187)

Sec. 27-486. Unlawful to deposit additional payment to extend time.

It shall be unlawful and an offense for any person to deposit, or cause to be deposited, in a parking meter, any payment for the purpose of extending the parking time beyond the total lawful parking period fixed by the ordinances of traffic regulations of the city for the parking in the parking space alongside or next to which the parking meter is placed.

(Ord. No. 54-72, § 19-6; Code 1980, § 25-188)

Sec. 27-487. Unlawful to permit vehicle to be parked when time is expired.

It shall be unlawful and an offense for any person to permit a vehicle registered in his name to remain or be placed in any parking space alongside of or next to which any parking meter is placed while such parking meter is displaying a signal showing that the time for which the privilege to park in such place has been granted has expired.

(Ord. No. 54-72, § 19-7; Code 1980, § 25-189)

Sec. 27-488. Vehicles to be parked in marked spaces.

Vehicles shall at all times be parked wholly within the parking meter spaces as marked, and it shall be unlawful to park vehicles in a way that the same shall not be wholly within the area designated by the lines for parking for such spaces.

(Ord. No. 54-72, § 19-8; Code 1980, § 25-190)

Sec. 27-489. Purpose of payment.

The payment required to be deposited, as provided in this division, is for the purpose of regulating parking and to off set the cost of such necessary regulations, for the convenience and protection of the public.

(Ord. No. 54-72, § 19-9; Ord. No. 89-73, § 3; Code 1980, § 25-191; Ord. No. 27-2000, § III, 7-5-2000)

Sec. 27-490. Disposition of payments collected.

All payments collected from the parking meters shall be paid into the city treasury and deposited in the general fund, and shall be used exclusively in the construction, maintenance and repair of public streets, bridges and street structures or for the installation and maintenance of traffic control devices thereon.

(Ord. No. 54-72, § 19-10; Code 1980, § 25-192)

Sec. 27-491. Parking meters shall not obstruct egress or ingress to property.

No parking meter authorized in this division shall be so installed or a parking space so established, that it will obstruct the convenient egress and ingress to any property abutting on any street.

(Ord. No. 54-72, § 19-11; Code 1980, § 25-193)

Sec. 27-492. Defacing, injuring meters.

It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, any parking meter installed in such parking meter zones. It shall be unlawful to deposit or cause to be deposited in any parking meter any substitute for proper payment

(Ord. No. 54-72, § 19-12; Ord. No. 89-73, § 4; Code 1980, § 25-194; Ord. No. 27-2000, § IV, 7-5-2000)

State law references: Criminal damage to property, Code of Ala. 1975, § 13A-7-20 et seq.; theft of services, Code of Ala. 1975, § 13A-8-10 et seq.

Sec. 27-493. Bus stops, taxicab stands, or delivery space in metered zones.

Nothing in this division shall be construed as prohibiting the city from providing for bus stops, taxicab stands or delivery spaces within the parking meter zones.

(Ord. No. 54-72, § 19-13; Code 1980, § 25-195)

Cross references: Taxicabs, § 6-361 et seq.

Sec. 27-494. Hoods.

(a) The director of finance is authorized to issue parking meter hoods (referred to in this section as "hoods") to those businesses who are licensed to operate in the city and who operate service vehicles. Service vehicles are defined as those vehicles that are used in the servicing of office-type equipment (e.g. computers, business machines and telephones) and by utility companies. The cost of such hoods will be \$75.00 per hood per calendar year or portion thereof. Hoods will be used in the following manner:

- (1) Only service vehicles are authorized to use hoods.
 - (2) Vehicles using hoods must display name of company to whom hood is sold. If vehicle is an automobile, company name must be placed inside the windshield.
 - (3) Hood must be attached to parking meter with a lock.
 - (4) Hood to be used only during period that service work is being performed. It is not to be used to reserve an unoccupied parking space, nor is it to be used for all-day parking.
 - (5) If lost, stolen or confiscated, hood will not be replaced without payment of another full annual fee.
 - (6) Hoods that are misused will be confiscated and destroyed.
 - (7) The number of hoods that can be purchased by any one business is limited to 80 hoods annually.
- (b) The director of finance is further authorized to issue hoods on specific occasions at the request of the chief of police to certain persons or organizations in

connection with police matters. Hoods issued under this subsection may be issued at no cost and on a temporary basis.

(c) Companies that are guilty of misusing hoods may be removed from the list of companies authorized to use hoods.

(Ord. No. 54-72, § 19-14; Ord. No. 112-76, § 1; Code 1980, § 25-196; Ord. No. 43-2000, § 19-14, 11-21-2000)

Secs. 27-495--27-530. Reserved.

Sec. 27-393. Parking spaces designated for persons with disabilities.

(a) The city's traffic engineer is hereby authorized to designate marked parking spaces within any city block for the exclusive parking of persons with long term or temporary disabilities to whom removable windshield placards or distinctive special access or disability license plates have been issued pursuant to Code of Ala. 1975, § 32-6-231.

(b) The city's traffic engineer is authorized to limit the amount of time individuals can park in spaces designated for use by persons with disabilities. Unless otherwise posted, the maximum time allowed per vehicle will be two hours.

(c) It shall be unlawful for any person who does not have a distinctive special long term access or long term disability access license plate or placard or temporary disability placard as described in this section, to park a motor vehicle in a parking space designated for use by persons with disabilities.

(d) It shall be unlawful for any person to park in a space designated for use by persons with disabilities for a period in excess of a time restrictions posted pursuant to this section.

(e) Any person convicted of violating this section shall be fined \$100.00 for the first offense, \$300 for the second offense and \$500.00 for the 3rd or any subsequent offense.

(f) In any prosecution for any violation of the provisions of this section, it shall be prima facie evidence that the owner of such vehicle was operating the same at the time of such alleged violation, or in the case of parking overtime, that the owner parked the vehicle and caused it to be parked overtime.

(Ord. No. 81-77, § 1; Code 1980, § 25-141; Ord. No. 40-82, 6-8-1982; Ord. No. 34-2001, § I, 6-21-2001)

Sec. 17-19. Fine schedules.

(a) Pursuant to rule 20(c) of the Alabama Rules of Judicial Administration, the following fine schedule is established for the summary disposition of various municipal offenses not included in rule 20(a):

EXHIBIT A

TABLE INSET:

| Offense | Fine |
|---|----------|
| Failure to obey traffic control device | \$ 20.00 |
| Failure to possess/display proof of liability insurance | 50.00 |

| | |
|---|---------------|
| Failure to possess/display proof of liability insurance (subsequent offense) | 150.00 |
| Failure to possess/display vehicle registration receipt | 50.00 |
| Excessive smoke | 10.00 |
| Improper lane usage | 10.00 |
| Improper use of emergency lane | 25.00 |
| Obstructing driver's view | 10.00 |
| Driving across median | 25.00 |
| Violation of noise ordinance | 20.00 |
| Violation of noise ordinance (subsequent offense) | 150.00 |
| Violation of alarm ordinance (4th false alarm) | 25.00 |
| Violation of alarm ordinance (5th false alarm) | 50.00 |
| Violation of alarm ordinance (6th false alarm) | 75.00 |
| Violation of alarm ordinance (7th or subsequent false alarm) | 100.00 |

(b) Pursuant to rule 20(c) of the Alabama Rules of Judicial Administration, the following shall be the fine schedule for municipal parking offenses:

TABLE INSET:

| Offense | Fine |
|---|-----------------|
| Illegal extension of time | \$15.00 |
| Parking double | \$10.00 |
| Parking improperly | \$10.00 |
| Parking in prohibited zone | \$10.00 |
| Parking at fire hydrant | \$10.00 |
| Parking in loading zone | \$10.00 |
| Failure to move vehicle | \$10.00 |
| Parking in Handicapped zone (1st offense) | \$100.00 |
| Parking in Handicapped zone (2nd offense) | \$300.00 |
| Parking in Handicapped zone (3rd or subsequent offense) | \$500.00 |

(Ord. No. 67-2001, 11-20-2001; Ord. No. 47-2002, 8-6-2002)

ADOPTED this the 4th day of August, 2008. BGB



TODD STRANGE, MAYOR

ATTEST:



BRENDA GALE BLALOCK, CITY CLERK